

**EXHIBIT 10026**

**From:** Tim Sweeney [REDACTED]@epicgames.com>  
**Sent:** Mon, 13 Jan 2020 23:40:10 +0000 (UTC)  
**To:** Hiroshi Lockheimer <[REDACTED]@google.com>  
**Cc:** Jamie Rosenberg [REDACTED]@google.com>; Canon Pence [REDACTED]@epicgames.com>; Kent Walker <[REDACTED]@google.com>; Donald Harrison <[REDACTED]@google.com>  
**Subject:** Re: Fortnite on Google Play

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Hi Folks,

Thank you for considering Epic's two Fortnite submissions to Google Play.

Following Epic's appeal of Google's rejection our second (December 18) submission, we've received the written response below and verbal confirmation that the sole reason for the rejection was Fortnite's use of non-Google payment processing services, and that there are no violations of the Google Play Developer Distribution Agreement section 4.5.

If the current rejection stands, it establishes that the terms on Google's payment policy web page (<https://play.google.com/about/monetization-ads/payments/>), though not written in the form of a legal agreement, are strictly-enforced conditions of access to Google Play and not just recommendations or wishes.

Since the forced tying of a digital payments monopoly to a consumer software distribution platform with majority marketshare is illegal in numerous territories where Google Play operates, we ask Google to either:

- 1) accept our latest submission of Fortnite for release on Google Play; or
- 2) agree to pursue acceptance contingent on a timely review by Google of Epic's payment processing services and its customer protections.

Epic requests a decision in writing by Feb 3, 2020.

Best Regards,

Tim Sweeney  
Epic Games Inc

----- Forwarded message -----

From: <[Google Play Developer Support@google.com](mailto:Google Play Developer Support@google.com)>  
Date: Thu, Jan 9, 2020 at 7:38 PM  
Subject: Re: OOO - Holiday break. Will return Jan 6. Happy Holidays! Re: Your message about Google Play [0-3017000028863]  
To: [Haseeb Malik@epicgames.com](mailto:Haseeb Malik@epicgames.com)>

Hi Haseeb,

Thank you for your patience.

#### **Status of Fortnite (com.epicgames.fortnite): Suspended from Google Play due to policy violation**

Unfortunately, we cannot accept your appeal at this time because multiple submissions of the app [com.epicgames.fortnite] contained Developer Program Policies violations, including after the initial appeal was conditionally granted on December 17th, 2019 4:52pm (PST).

The last enforcement notice for Developer Distribution Agreement (DDA) Section 4.5, Malicious Behavior,

and Payments policy violations was in reference to your previous submission made on December 17th, 2019 6:28pm (PST). The most recent version of your app was submitted after our app review of the above.

Please note that all app submissions must comply with the Developer Program Policies. We've reviewed your appeal, including your latest submission, and found that your app still violates Google Play Policy. Specifically, your app continues to violate **Payments** policy, which generally prohibits games published on Google Play from providing a payment method other than Google Play Billing to purchase in-app virtual currency or in-app digital downloads.

Please see the attached screenshot for reference. You can read through the Payments policy for more details and examples of common violations.

Please note that suspensions count as strikes against the good standing of your Google Play Developer account. Egregious or multiple policy violations can result in suspension, as can repeated app rejections or removals.

If your developer credentials are still in good standing with Google Play, you can publish a new compliant version of the app by following these steps:

1. Make all necessary changes to your app to address the issue described above.
2. Double check that your app complies with all other Developer Program Policies. Additional enforcement could occur if there are further policy violations.
3. Sign in to your Play Console and upload a new app using a **new package name** and a **new app name**.

Please let me know if you have any other questions. Thanks for your continued support of Google Play.

Regards,  
The Google Play Team

*Please visit the Play Developer Policy Center and Play Academy to learn more about building policy compliant and high quality apps.*